IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3830 of 2007()

CRIME NO.471/07 OF VADAKARA POLICE STATION

PETITIONERS : ACCUSED NOS. 1 TO 3:

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1. ANEESH BABU, S/O.KUMARAN,
SOUPARNIKA HOUSE, KOKKANCHATH ROAD, VADAKARA.

2. CHANDRIKA. W/O.KUMARAN, AGED 53 YEARS,
SOUPARNIKA HOUSE, KOKKANCHATH ROAD, VADAKARA.

3. RAJESH, S/O.KUMARAN, SOUPARNIKA HOUSE,
KOKKANCHATH ROAD, VADAKARA.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA THROUGH THE SUB
INSPECTOR OF POLICE, VADAKARA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3830 of 2007

Dated this the 26th day of June, 2007

ORDER

Application for anticipatory bail. Petitioners are the brother-in-law, mother-in-law and husband respectively of the defacto complainant. The marriage still subsists. There are no children in the wedlock. The marriage took place on 23.08.2004. Crime has been registered on a complaint of the defacto complainant. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioners can be granted anticipatory bail. In coming to this conclusion, I take note of the reality that if the petitioners were arrested and detained that would mar all possibilities and chances of reconciliation between the parties.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 03.07.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 04.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 03.07.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.07.07.

(R.BASANT, JUDGE)

rtr/-